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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Views and information submitted by States parties, specialized agencies and non-governmental organizations in accordance with Commission on Human Rights resolution 1991/10

Note by the Secretary-General

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Introduction

1. In its resolution 1991/10 the Commission on Human Rights, inter alia, requested the Secretary-General (a) to invite States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, and (b) to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission with relevant information concerning the types of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa.

2. By the same resolution, the Commission requested the Group of Three established under the Convention to continue, in the light of the views expressed by States parties, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid, and to report to the Commission at its forty-ninth session.

3. In notes verbales dated 12 September 1991, the Secretary-General brought to the attention of States parties, the specialized agencies and non-governmental organizations the relevant provisions of Commission resolution 1991/10 and invited them to submit their views and any relevant information in time for consideration by the Group of Three and the Commission at its forty-ninth session.

4. Views and information submitted by the Governments of Panama and Venezuela are reproduced below. Any further replies which may be received by the Secretariat will be issued in addenda to this document.

PANAMA

[Original: Spanish]
[27 November 1991]

1. In accordance with the request made in paragraph 8 of United Nations General Assembly resolution 45/90 and paragraphs 14 and 16 of Commission on Human Rights resolution 1991/10, the Government of the Republic of Panama considers that the apartheid regime is violating the most fundamental human rights of the majority of the South African people and jeopardizing the dignity and integrity of the human race and it has therefore taken all the measures within its power to exert the necessary pressure to ensure that apartheid is eliminated. In this connection, the Government of the Republic of Panama does not maintain any type of relations with the Government of South Africa.

2. As a State party to the Universal Declaration of Human Rights, the Republic of Panama reaffirms the principles embodied in that instrument and, under article 311 of the Penal Code, makes the following a crime: "Anyone who takes part in the destruction, in whole or in part, of a particular group of persons on account of their nationality, race or religious or political belief shall be sentenced to 15 to 20 years' imprisonment".

3. The same penalty is applicable to anyone who, in order to destroy, in whole or in part, a particular group of persons for the reasons referred to in the preceding paragraph, commits any of the following acts:

"1. Causing the members of such groups bodily or mental harm;

2. Placing such groups in precarious living conditions;

3. Using force or intimidation to transfer children from one of the groups to another place".

VENEZUELA

[Original: Spanish]
[30 April 1992]

The Government of Venezuela has guaranteed the implementation of all United Nations General Assembly resolutions on the policies of apartheid, three of which (those relating to the Trust Fund for South Africa, the oil embargo and the elimination of all forms of racial discrimination in general) were sponsored by Venezuela.

In this connection, it should be pointed out that:

(a) There are no public Venezuelan investments in South Africa and no loan guarantees or permits are granted to private Venezuelan investors or enterprises for investment in South Africa;

(b) Trade with South Africa is not promoted;

(c) Krugerrand and other coins minted in South Africa are not imported;

(d) No military, police and intelligence cooperation of any kind is maintained with South Africa. Venezuela also does not export equipment, including computers, which may be used by the South African security forces;

(e) No nuclear cooperation of any kind is maintained with South Africa;

(f) No oil is exported to South Africa. Venezuela has always supported and backed the oil embargo and all other embargos against South Africa. To this end, it applies the "end users" clause in all its oil sales, thus ensuring that supplies do not reach that country either directly or indirectly;

(g) Venezuela does not maintain diplomatic, consular, economic, financial, military, sports, cultural or any other kind of relations with the Government of South Africa.